

EXHIBIT A

CHAITMAN LLP

Gregory M. Dexter

gdexter@chaitmanllp.com

465 Park Ave,

New York, New York 10022

Phone & Fax: 888.759.1114

Attorneys for Defendants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff

Plaintiff,

v.

DEFENDANTS LISTED ON SCHEDULE A
ATTACHED TO THE ACCOMPANYING
SUBPOENA,

Defendant.

Adv. Pro. Nos. listed on Schedule A
Attached to the Accompanying
Subpoena

**NOTICE OF SUBPOENA TO
WALTER T. TILETNICK**

PLEASE TAKE NOTICE, pursuant to Federal Rules of Civil Procedure 45 and Rule
9017 of the Federal Rules of Bankruptcy Procedure as made applicable to these proceedings by

Rule 9016 of the Federal Rules of Bankruptcy Procedure, that Defendants, as referenced on the attached “**Schedule A**” (“Defendants”), by and through their undersigned counsel, will serve a Subpoena in the form attached hereto, on non-party Walter T. Tiletnick, a former employee for Bernard L. Madoff and Bernard L. Madoff Investment Securities, LLC, to testify at a deposition and produce documents, information, or objects on November 30th, 2018 at 10:00 a.m. at the offices of Chaitman, LLP, 465 Park Avenue, New York, New York 10022. Contemporaneously with service of the Subpoena, we are informing Mr. Tiletnick that compliance is stayed pending further order of the Bankruptcy Court but that he should take necessary steps to preserve documents.

A true and correct copy of the subpoena is attached hereto as “**Exhibit A**”.

Dated: New York, New York
November 7, 2018

Respectfully submitted,

CHAITMAN LLP

By: /s/ Gregory M. Dexter

465 Park Avenue

New York, New York 10022

Phone & Fax: 888-759-1114

gdexter@chaitmanllp.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served this 7th day of November, 2018 by electronic mail and the 8th day of November, 2018 by USPS first class mail upon the following:

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Edward J. Jacobs
Email: ejacobs@bakerlaw.com

CHAITMAN LLP
By: /s/ Gregory M. Dexter
465 Park Avenue
New York, New York 10022
Phone & Fax: 888.759.1114
gdexter@chaitmanllp.com

Attorneys for Defendants

EXHIBIT

A

UNITED STATES BANKRUPTCY COURT

Southern

District of New York

In re Bernard L. Madoff Investment Securities, LLC

Debtor

Case No. 08-01789 (SMB)

(Complete if issued in an adversary proceeding)
IRVING H. PICARD, Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff Investment Securities LLC

Plaintiff

Chapter SIPA Liquidation

as listed on Schedule A Attached

DEFENDANTS LISTED ON SCHEDULE A

Adv. Proc. No. to the Accompanying Subpoena

ATTACHED TO THE ACCOMPANYING SUBPOENA

Defendant

**SUBPOENA TO TESTIFY AT A DEPOSITION
IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)**

To: Walter T. Tiletnick, 440 E. 13th St., Apt. A2, New York, NY 10009

(Name of person to whom the subpoena is directed)

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this bankruptcy case (or adversary proceeding). If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

PLACE Chaitman, LLP, Gregory M. Dexter, Esq., 465 Park Ave., New York, NY 10022
gdexter@ChaitmanLLP.com, Office telephone: (888) 759-1114

DATE AND TIME

November 30, 2018 at 10:00 am

The deposition will be recorded by this method:

Sound, visual and stenographic means

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

See ATTACHMENT "A"

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: November 7, 2018

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Gregory M. Dexter

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party) Defendants as stated on Schedule A, attached, who issues or requests this subpoena, are:

Chaitman, LLP, Gregory M. Dexter, Esq., 465 Park Ave., New York, NY 10022, gdexter@ChaitmanLLP.com, Office telephone: (888) 759-1114

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*: _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true and correct.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...
(g) Contempt. The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

SCHEDULE

A

	APN	Case Name	Counsel
1.	10-04292	Robert Roman	Chaitman LLP
2.	10-04302	Joan Roman	Chaitman LLP
3.	10-04327	Gertrude E. Alpern Revocable Trust, et al.	Chaitman LLP
4.	10-04352	RAR Entrepreneurial Fund LTD, et al.	Chaitman LLP
5.	10-04367	Benjamin T. Heller	Chaitman LLP
6.	10-04397	Fern C. Palmer Revocable Trust Dtd 12/31/9, et al.	Chaitman LLP
7.	10-04428	Estate of Allen Meisels, et al.	Chaitman LLP
8.	10-04438	Estate of Seymour Epstein, et al.	Chaitman LLP
9.	10-04446	Trust Dated 12/6/99 Walter and Eugenie Kissinger, et al.	Chaitman LLP
10.	10-04469	Carol L. Kamenstein, individually and in her capacity as joint	Chaitman LLP
11.	10-04489	Marlene Krauss	Chaitman LLP
12.	10-04491	Elaine Dine Living Trust dated 5/12/06, et al.	Chaitman LLP
13.	10-04503	Judd Robbins	Chaitman LLP
14.	10-04539	The Gerald and Barbara Keller Family Trust, et al.	Chaitman LLP
15.	10-04541	Kenneth W Perlman, et al.	Chaitman LLP
16.	10-04545	Jerome Goodman, et al.	Chaitman LLP
17.	10-04562	Robert F. Ferber	Chaitman LLP
18.	10-04570	Jacob M. Dick Rev Living Trust DTD 4/6/01, et al.	Chaitman LLP
19.	10-04610	The Whitman Partnership, et al.	Chaitman LLP
20.	10-04614	Robert S. Whitman	Chaitman LLP
21.	10-04621	Donald A. Benjamin	Chaitman LLP
22.	10-04644	Russell L. Dusek	Chaitman LLP
23.	10-04648	Peter D. Kamenstein	Chaitman LLP
24.	10-04709	Andrew M. Goodman	Chaitman LLP
25.	10-04718	The Jordan H. Kart Revocable Trust, et al.	Chaitman LLP
26.	10-04728	Estate of Bruno L. Di Giulian, et al.	Chaitman LLP
27.	10-04740	Robert Hirsch, as an individual, and as joint tenant, et al.	Chaitman LLP
28.	10-04748	Mark Horowitz	Chaitman LLP
29.	10-04749	Philip F. Palmedo	Chaitman LLP
30.	10-04752	Kuntzman Family LLC, et al.	Chaitman LLP
31.	10-04753	Carla Ginsburg	Chaitman LLP
32.	10-04762	James M. Goodman	Chaitman LLP
33.	10-04768	Placon2, William R. Cohen, et al.	Chaitman LLP
34.	10-04806	Kenneth M. Kohl, as an individual and as a joint tenant, et al.	Chaitman LLP
35.	10-04809	Edvne Gordon NTC	Chaitman LLP
36.	10-04818	Toby Harwood	Chaitman LLP
37.	10-04823	Frank DiFazio, et al.	Chaitman LLP
38.	10-04826	Boyer Palmer	Chaitman LLP
39.	10-04837	Leslie Ehrlich f/k/a Leslie Harwood , et al.	Chaitman LLP
40.	10-04867	Estate of Steven I. Harnick, et al.	Chaitman LLP
41.	10-04878	Lisa Beth Nissenbaum Trust, et al.	Chaitman LLP
42.	10-04889	Estate of Robert Shervyn Savin, et al.	Chaitman LLP
43.	10-04905	Train Klan, a Partnership, et al.	Chaitman LLP
44.	10-04912	Harry Smith Revocable Living Trust, et al.	Chaitman LLP
45.	10-04914	Edvne Gordon	Chaitman LLP
46.	10-04920	Glenhaven Limited, et al.	Chaitman LLP
47.	10-04956	D. M. Castelli	Chaitman LLP
48.	10-04961	Sylvan Associates LLC f/k/a Sylvan Associates Ltd Partnership.	Chaitman LLP

	APN	Case Name	Counsel
49.	10-04979	James M. New Trust dtd 3/19/01, et al.	Chaitman LLP
50.	10-04991	Guiducci Family Limited Partnership, et al.	Chaitman LLP
51.	10-04995	Trust U/Art Fourt O/W/O Israel Wilenitz, et al.	Chaitman LLP
52.	10-05026	Walter Freshman Trust A, a Florida trust, et al.	Chaitman LLP
53.	10-05037	Barbara L. Savin	Chaitman LLP
54.	10-05079	Estate of James M. Goodman, et al.	Chaitman LLP
55.	10-05104	The Gloria Albert Sandler and Maurice Sandler Revocable	Chaitman LLP
56.	10-05124	The Lawrence J. Ryan and Theresa R. Ryan Revocable Living	Chaitman LLP
57.	10-05127	Atwood Management Profit Sharing Plan & Trust, etc., et al.	Chaitman LLP
58.	10-05128	JABA Associates LP, et al.	Chaitman LLP
59.	10-05130	Barbara Kotlikoff Harman	Chaitman LLP
60.	10-05133	Boyer H. Palmer, individually, et al.	Chaitman LLP
61.	10-05150	Plafsky Family LLC Retirement Plan, Robert Plafsky, et al.	Chaitman LLP
62.	10-05151	Palmer Family Trust, et al.	Chaitman LLP
63.	10-05157	The Harnick Brothers Partnership, et al.	Chaitman LLP
64.	10-05184	Laura Ann Smith Revocable Living Trust, et al.	Chaitman LLP
65.	10-05196	Whitman 1990 Trust U/A DTD 4/13/90, et al.	Chaitman LLP
66.	10-05312	Doron Tavlin Trust U/A 2/4/91, et al.	Chaitman LLP
67.	10-05377	Richard G. Eaton	Chaitman LLP
68.	10-05420	Gunther K. Unflat, et al.	Chaitman LLP
69.	10-05435	Keith Schaffer, et al.	Chaitman LLP

ATTACHMENT

A

ATTACHMENT A
TO SUBPOENA OF WALTER T. TILETNICK
DEFINITIONS AND INSTRUCTIONS

1. The rules of construction and definitions and instructions in Federal Rules of Civil Procedure 26-37, made applicable to this proceeding pursuant to Bankruptcy Rules 7026-7037, are hereby incorporated by reference. All defined terms, including those defined in Local Rule 26.3 are capitalized herein.

2. "You" or "Your" means Walter T. Tiletnick and any and all entities which you own or control.

3. "Defendants" shall mean all Defendants represented by Chaitman LLP listed on the Schedule A attached to the Subpoena.

4. "Communications" shall be given its broadest possible meaning, and includes, without limitation, Documents containing or constituting the transmission or receipt of information by or between or among one or more persons or entities, and without limiting the generality of the foregoing, includes all Documents constituting inquiries, discussions, conversations, letters, correspondence, e-mails, notes, faxes, written memoranda, and phone messages.

5. "Document" is used in its broadest sense and means any attempts to record or transmit information or knowledge and includes the original and all drafts of a writing, which includes, without limitation, all written, recorded, digital, graphic or photographic matter, including electronically stored information ("ESI"), however produced, reproduced or stored, of every kind and description including any agenda, supplements, amendments, revisions, exhibits or appendices thereto, and includes, without limiting the generality of the foregoing, originals (or copies where originals are not available) and drafts of the following: all papers, emails, letters, notes, memoranda, pamphlets, correspondence, telegrams, cables, photographs, microfilm, prints,

recordings, transcriptions, blueprints, drawings, books, accounts, objects, notes, electronic or magnetic recordings or sound recordings of any type of personal or telephone conversations or meetings or conferences, minutes of directors or committee meetings, other minutes, reports, studies, written forecasts, projects, analyses, contracts, licenses, agreements, ledgers, journals, books of account, vouchers, bank checks, invoices, charge slips, expense account reports, hotel charges, receipts, freight bills, working papers, drafts, statistical records, cost sheets, abstracts of bids, stenographers' notebooks, calendars, appointment books, telephone slips, wire transfer slips and logs, diaries, time sheets or logs, job or transaction files, computer printouts or papers similar to any of the foregoing, however denominated by you.

6. In producing documents, indicate the paragraph and subparagraph (where applicable) of the Document Request(s) to which a produced document is responsive.

7. To the extent not clarified above, these Requests specifically include documents in electronic form, including emails and other Electronically Stored Information ("ESI") which may or may not be reduced to hard copy in the normal course of business and which may be stored or archived on file servers, hard drives, hard or floppy disks or diskettes, backup tapes, or other storage media. ESI should be produced in an intelligible format or together with a sufficient description of the system or program from which each was derived to permit rendering the material intelligible.

8. "Related to" and "relating to" or any variation thereof shall be construed to include refer to, summarize, reflect, constitute, contain, embody, mention, show, comprise, evidence, discuss, describe, comment upon, concerning, regarding, alluding to, pertaining to, probative of, in connection with, dealing with, in respect of, about, involving, identifying, or proving.

9. "And" and "or" shall be construed conjunctively or disjunctively, whichever makes

this request more inclusive.

10. The singular number and masculine gender used within this document embraces and shall be read and applied as the plural or the feminine or neuter as circumstances make it appropriate.

11. Unless otherwise defined herein, all words are to be construed in their ordinary or common meaning.

12. In the event You object to the production of any document responsive to this request, as privileged or confidential, please state:

- a. the name of each author, writer, sender or initiator of the document, if any;
- b. the name of each recipient, addressee, or party for whom the document was intended or received, if any;
- c. the date of the document, if any, or an estimate thereof and so indicated as an estimate if no date appears on the document;
- d. a description of the general nature of the document and a description of the general subject matter as described in the document, or if no description appears, then sufficient other description to identify the document for a subpoena duces tecum, including the number of pages and attachments;
- e. the specific privilege or objection that you contend applies to the document (e.g., attorney-client privilege).

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All Documents in your possession or control, regardless of date, which reflect or evidence, or relate to trading, banking, or investment activity of Bernard L. Madoff or Bernard L. Madoff Investment Securities, LLC.

2. All Documents in your possession or control, regardless of date, which reflect or evidence, or relate to your job duties at Bernard L. Madoff or Bernard L. Madoff Investment Securities, LLC.

3. All Documents in your possession or control, regardless of date, which reflect or evidence, or relate to your job duties at Bernard L. Madoff or Bernard L. Madoff Investment Securities, LLC.

4. All Documents in your possession or control, regardless of date, which reflect or evidence, or relate to any accounts held by Bernard L. Madoff or Bernard L. Madoff Investment Securities, LLC at JPMorgan Chase Bank, including the account at JPMorgan Chase Bank ending in "703," and sometimes referred to as the "703 Account."

5. All Documents in your possession or control, regardless of date, which reflect or evidence, or relate to any activities in the 703 Account.

6. All Documents in your possession or control, regardless of date, which reflect or evidence, or relate to correspondence and/or instructions You initiated on behalf of Bernard L. Madoff or Bernard L. Madoff Investment Securities, LLC, including, without limitation, instructions You provided to JP Morgan Chase and any entity JP Morgan Chase acts as Successor-In-Interest, including, but not limited to Chemical Banking Corporation.